



DEPARTMENT OF THE ARMY
HEADQUARTERS, US ARMY SUPPORT ACTIVITY AREA III
UNIT #15716
APO AP 96271-5716

REPLY TO
ATTENTION OF

SFIM-KO3-ZA

30 December 2003

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: US Army Support Activity Area III Policy Memorandum #52, Procedures and Guidelines for the Processing of Civilian and Family Member Misconduct Occurring in Area III

1. **PURPOSE.** To establish the procedures and guidelines for the processing of civilian and family member misconduct occurring in Area III.

2. **APPLICABILITY.** This Command Policy Memorandum is applicable to:

a. Appropriated and Nonappropriated Fund Department of Defense (DoD) civilian employees, their family members, and members of their households residing in Area III.

b. Family members and members of households of USFK military personnel residing in Area III.

c. US military retirees and their family members residing in Area III.

d. US embassy personnel and their family members residing in Area III.

e. Family members of non-USFK military personnel residing in Area III.

f. Widows and/or widowers of US Armed Forces residing in Area III.

3. **REFERENCES.**

a. USFK Regulation 60-1, Ration Control Policy - Access to Duty Free Goods, 7 November 2003.

b. USFK Regulation 190-1, Motor Vehicle Traffic Supervision, 7 November 2001.

c. USFK Regulation 190-7, Installation Access Control System, 10 September 2002.

d. USFK Regulation 600-52, Civilian and/or Family Member Misconduct, 11 March 1999.

4. **RESPONSIBILITIES.**

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a. Civilian Misconduct Actions Officer (CMAO). The Director of Personnel and Administration (Camp Humphreys) is the CMAO and is the US Army Support Activity Area III Commander's primary staff representative for all actions covered by this Command Policy. The CMAO:

(1) Screens military police blotter reports daily for potential cases of civilian or family member misconduct.

(2) Prepares and issues show-cause memoranda on behalf of the Commander, US Army Support Activity Area III.

(3) Coordinates all actions to set up a Family Member Conduct Review Board (FMCRB) on a case-by-case basis, as needed.

(4) Acts as the Recorder for all FMCRBs.

(5) Prepares record of proceedings of FMCRBs.

(6) Prepares memoranda outlining recommended sanctions for approval and signature by the Commander, US Army Support Activity Area III.

(7) Plans, coordinates, and supervises the performance of community service imposed as a corrective action.

b. Command Sergeant Major (CSM), US Army Support Activity Area III:

(1) Sits as a voting member of the FMCRB in cases where the sponsor is an enlisted service member.

(2) Plans, coordinates, and supervises execution of essays written as corrective actions.

c. US Civilian Executive Assistant, US Army Support Activity Area III serves as the President on all FMCRBs or designates a representative to serve as President when absent or otherwise unable to do so.

d. US Army Garrison Commander, Area III (Camps Long & Eagle), in coordination with the CMAO and the Staff Judge Advocate, US Army Support Activity Area III, develops similar procedures to address cases of civilian or family member misconduct within his/her area of responsibility.

e. Provost Marshal Office (PMO), Area III:

(1) Ensures Deputy Provost Marshal provides daily blotter reports to the CMAO.

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(2) Ensures that Deputy Provost Marshal provides final MP reports, upon request, to the CMAO as expeditiously as possible.

(3) Coordinates cases involving US Embassy personnel or their family members as set forth in paragraph 7.

f. Area III Legal Center:

(1) Ensures that a legal advisor is available to the President, FMCRB, on an “on-call” basis.

(2) Provides legal review of FMCRB proceedings or other related documents as requested.

g. Tenant Commanders will ensure that civilian or family member misconduct cases are referred to the CMAO, subject to the procedures outlined in paragraph 5 below.

h. The following will serve as, or provide, a voting member on FMCRBs as requested:

(1) Installation US Civilian Executive Assistant—President.

(2) Installation Command Sergeant Major for cases involving enlisted sponsors

(3) Community Counseling Center.

(4) Commander, C Company, 168th Medical Battalion.

(5) Installation Chaplain.

(6) Director of Personnel and Administration.

(7) Principal, Camp Humphreys Annex School for cases involving student misconduct.

5. **PROCEDURES.** The Republic of Korea exercises primary criminal jurisdiction over civilians until released to US authority. Within the parameters of US authority:

a. Managers and supervisors retain primary responsibility to take action to resolve or correct misconduct committed by their civilian employees. The Labor/Management Employee Relations Office in the Area III Civilian Personnel Advisory Center (CPAC), DSN 753-8762, will provide advice and assistance in resolving these cases.

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b. The Commander, US Army Support Activity Area III, or his designated representative, has primary responsibility for cases of misconduct committed by family members. The Garrison Commander, Camp Long and Camp Eagle, will resolve civilian and family member misconduct cases in his/her area of responsibility.

c. The Commander, US Army Support Activity Area III, or his designated representative, will determine whether a civilian or family member misconduct case will be resolved by the show-cause letter procedures or FMCRB hearing.

d. Upon receipt of a civilian or family member misconduct case, the CMAO, in conjunction will prepare and issue a show-cause letter with proposed sanctions. Upon request, the Area III Legal Center will provide a legal review prior to issuance.

e. Civilians and family members in receipt of a show-cause letter may:

(1) Elect not to contest the allegation and accept the proposed sanctions outlined in the show-cause letter. The CMAO will prepare a memorandum for the US Army Support Activity Area III Commander's signature imposing those sanctions.

(2) Submit a written response and any documents to be considered to the CMAO within three business days of receipt of the order to show cause letter. The US Army Support Activity Area III Commander will review all of the information submitted by the CMAO and the individual and determine whether the misconduct occurred and, if so, what sanctions should be imposed.

f. A FMCRB will be conducted according to the sample procedures in Appendix A to this Command Policy. Upon completion of the record of proceedings, the CMAO will prepare a decision memorandum for approval by the US Army Support Activity Area III Commander.

g. This program is not intended to limit the discretion of military police personnel to handle incidents as they occur.

6. NOTES ON SANCTIONS. This program does not dictate specific sanctions. The Commander, US Army Support Activity Area III, encourages all personnel involved in the disposition of civilian or family member misconduct cases to ensure that any sanctions and corrective actions imposed are commensurate with the offenses that were committed, taking into account the totality of circumstances surrounding each individual case.

7. US EMBASSY PERSONNEL. Military police personnel apprehending US Embassy personnel or their family members will report immediately through supervisory and command channels to the Provost Marshal, who will coordinate with the Joint Police Information Center for notification to the Regional Security Officer of the Embassy. The Embassy will determine whether to initiate proceedings under Department of State misconduct procedures within five (5) working days. The embassy will inform the Installation US Civilian Executive Assistant of any actions taken. The Embassy may elect to refer the case to US Army Support Activity Area III for appropriate action in accordance with this Program.

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The proponent of this regulation is the Civilian Misconduct Actions Officer, US Army Support Activity Area III. Users may send comments and suggestions on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to Commander (IMKO-AIII-ZA), US Army Support Activity Area III, Unit #15716, APO AP 96271-5716.

3 Appendices

A – Family Member Conduct Review
Board Procedural Guide

B - Sanctions

C - Sample Forms


MICHAEL D. CLAY
COL, IN
Commanding

DISTRIBUTION:

A & B